

# FARMINGTON CITY PLANNING COMMISSION

Thursday, October 27, 2005

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## PLANNING COMMISSION REGULAR SESSION

***Present:*** Vice Chairman Cindy Roybal, Commission Members Keith Klundt, Paul Barker, Kevin Poff, and Jim Talbot, City Planner David Petersen, and Recording Secretary Jill Hedberg. Chairman Cory Ritz and Annie Hedberg were excused.

**Vice Chairman Roybal** called the meeting to order at 7:00 P.M. **Paul Barker** offered the invocation.

## APPROVAL OF MINUTES

**Keith Klundt** moved that the Planning Commission approve the minutes of the October 13, 2005, Planning Commission Meeting with changes as noted. **Jim Talbot** seconded the motion. The Commission voted unanimously in favor.

## Motion

**Keith Klundt** moved that the Planning Commission hear the City Council Report at the end of the meeting. **Jim Talbot** seconded the motion, which passed by unanimous vote.

**GREG BELL - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL  
PLAT APPROVAL FOR THE FARMINGTON FIELDS SUBDIVISION OF FOUR LOTS  
AND ONE PARCEL ON APPROXIMATELY 11.77 ACRES LOCATED ON THE EAST  
SIDE OF PARK LANE AT LAGOON DRIVE IN A CMU ZONE (S-19-05) (Agenda Item  
#3)**

**Jim Talbot** asked if a storm water pollution and prevention plan (SWPPP) had been prepared.

**Greg Bell** said the SWPPP had been conceptually approved by Paul Hirst. He said he accepted the eight items listed in the “Suggested Motion”.

**Motion**

**Kevin Poff** moved that the Planning Commission recommend that the City Council grant final approval subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant shall comply with all conditions of preliminary plat approval.

2. The plat shall be reformatted to meet Farmington City standards.
3. A note shall be placed on the final plat indicating a soil report has been prepared and submitted to the City for the proposed subdivision in accordance with the provisions of the subdivision ordinance.
4. Parcel A shall be identified as “*Not a Building Lot*” on the final plat. The applicant must submit an ownership and maintenance plan for this parcel acceptable to the City.
5. Addresses shall be placed on each lot as shown on the final plat and numerical street names shall also be provided for Lagoon Drive and Spring Creek Circle.
6. Public utility easements at least 10' in width shall be shown on the front, rear and one-side property line of each lot.
7. Improvement drawings for the development, including a grading and drainage plan, shall be reviewed and approved by the City Engineer, Public Works Department, Planning Department, Fire Department, Central Davis Sewer District and Farmington Area Pressurized Irrigation District.

8. The applicant shall prepare a storm water pollution and prevention plan (SWPPP) for review and approval by the City.

**Jim Talbot** seconded the motion, which passed by unanimous vote.

### **Findings**

- The applicant has fulfilled all of the requirements given during the Planning Commission's consideration of the previous application.
- The subdivision complies with the City's General Plan for the area.

**PUBLIC HEARING: PROTERRA COMPANIES, INC. - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND THE FINAL DEVELOPMENT PLAN FOR THE FARMINGTON GREENS PLANNED UNIT DEVELOPMENT (PUD) BY PROVIDING A SITE FOR A FUTURE CHURCH BUILDING, LOCATED AT APPROXIMATELY 50 SOUTH 1525 WEST (S-31-05) (Agenda Item #4)**

### **Background Information**

The final development plan for the Farmington Greens planned unit development previously approved by the City is an exhibit to the Development Agreement between

Farmington City and Claims, Inc., the original developer of the property. The last two sentences of paragraph 2 of the Agreement state:

“Any changes proposed for the development plan must be approved by the City before becoming effective. The Farmington City Council shall receive a recommendation from the Planning Commission before approving any amendments.”

The applicant is proposing to develop a 3.4 acre site for a future LDS Church. The overall residential density of the project will remain the same at 176 units. In addition to reconfiguring lot sizes, the developer is also proposing to make a change to the internal street alignment by Clark Lane.

END OF PACKET MATERIAL

**David Petersen** displayed an overhead of the existing Master Plan for the Farmington Greens subdivision and the proposed Master Plan for the PUD development. He reviewed the “Background Information”. If an LDS Church were added to the subdivision, a road would be extended and town homes would extend along the open space. The developer has requested to amend their Master Plan which was memorialized by a Developer Agreement in 2000. The request would have to be approved by both the Planning Commission and the City Council.

A letter from **Chairman Ritz** was distributed to the Planning Commission which included the following statement about the Proterra proposal:

*“They apparently were not listening when they came last time. Their statement #1 is misleading and incorrect. They say “The overall density of 176 lots will remain the same.” In actuality, and by definition, the number of lots will remain the same. The density will go up since they are proposing the same number on a piece of ground that is now smaller by the size of the church parcel. They want to play both sides against the middle. They are selling the ground to the church at market price. They then want the City to allow greater density (when this project was already quite dense for the area and very unpopular with the neighborhood, and they were uncooperative with neighborhood concerns). Now they are wanting to increase the number of very small lots in the center of the project. Must be a high margin product for them. This sets a bad precedent and my vote would be strongly NO.*

### **Public Hearing**

**Vice Chairman Roybal** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Jerry Tulley** (Proterra Companies, Inc.) said their company had done several “environmentally friendly” developments in the City. He reviewed the background of the

Farmington Greens subdivision. The Army Corp of Engineers attended a public hearing to speak in favor of the development due to its large amount of open space and wetlands preservation.

The initial plan for the subdivision included a church site. The City Council agreed that the church site should be located in the Farmington Ranches. Another church site was now needed.

The Farmington Greens subdivision had enough property to accommodate the church as well as a commercial parcel. The density of the subdivision would be 1.79 dwelling units per acre.

**Mr. Tulley** said a cul-de-sac was removed from the subdivision and lots were reconfigured to provide space for the church on 1525 West. The open space had changed from 32.2 to 32.0. He said the average lot size would be reduced by 218 square feet per. He referred to **Chairman Ritz's** letter and made the following points:

- The developer has kept their commitment to the City Council.
- The developer is not profiting from the sell of the church parcel.
- The smaller lots generate less income but they feel it is a required product for the neighborhood.
- The church would add a valuable asset to the neighborhood.

He said the number of smaller lots that were approved by the Planning Commission and the City Council would not change.

**Paul Hess** (10 South Main) said he represents the LDS local stake leadership. He said the building site for the church would be within his stake. He said there was a need for another church facility in the area.

**Chad Palmer** (1311 Citation Drive) said he lives in the Preserve. He said there is a need for a church and it would add value to the area.

### **Public Hearing Closed**

With no further comments, **Vice Chairman Roybal** closed the public hearing. The Commission members discussed the issues, including the following points:

**Keith Klundt** said the density would increase if the acreage was reduced and the number of homes remained the same.

**Jerry Tulley** said the average lot size would be decreased by 218 square feet. The density would not increase because the number of homes would remain the same.

**David Petersen** said the density would not be altered by the lot realignment. The Yield Plan that was done as part of the Master Plan included the church site. It is unfortunate that the City Council eliminated the initial church site because it had a unique placement in the



neighborhood.

**Jerry Tulley** said if the church site were located on 1525 West, it would eliminate church traffic in the neighborhood. He felt the City Council had a conflict of interest by removing the church site since one of the Council Members did the design and entitlement for the Farmington Ranches.

**Keith Klundt** said the addition of the church site would alter the 2 units per acre density.

**David Petersen** said the Yield Plan had not been reconfigured with the church site and bonuses. He said it might be helpful to perform the exercise.

**Keith Klundt** said he wanted to address the concerns of **Chairman Ritz** and the other homeowners in the area. He said the residents on the west side of Farmington desired ½ acre lots. There would residents would have greater dissatisfaction if the current lot sizes were decreased.

**Jerry Tulley** said the PUD ordinance was designed to allow flexibility. The Farmington Ranches had a church site and a school but did not have to give up lots on their Yield Plan. He said his request to add a church site would be in compliance with the PUD ordinance.

**Paul Barker** asked why the open space was positioned in a different location than was originally proposed.

**Jerry Tulley** said rather than mitigating wetlands, the wetlands were used to accommodate the City's need for a storm channel. The relocation of the open space and the storm channel placement contributed to a reduction of the lot sizes.

**Kevin Poff** said the Planning Commission denied the developer's last request to add a church site because they were increasing the amount of small lots. He felt the current proposal was an improvement from the last.

**Vice Chairman Roybal** felt the addition of the church would be a benefit to the community. She said it would be worth sacrificing 200 square feet per lot.

**Jim Talbot** agreed the church site would enhance the area but was still opposed to the small lot sizes.

**Jerry Tulley** said the smaller lots were created to offset the large open space. He said the smaller lots would not be reduced by 200 square feet. The average home size on a 4,390 square foot lot would be approximately 1,500 square feet. The number of lots would remain the same even if the church were not approved.

In response to a question by **Paul Barker, David Petersen** said the subdivision was in compliance. 176 lots were allowed due to the developer providing large open space, amenities and trails.

**Motion**

**Kevin Poff** moved that the Planning Commission recommend that the City Council amend the final development plan for the Farmington Greens Planned Unit Development by providing a site for a future church building. The motion died for lack of a second.

**Jerry Tulley** said the State Code did not require a church site or school.

**David Petersen** said The Boyer Company did not include the church site and school. The issue could be reviewed with the City's Attorney.

In response to a question from **Paul Barker, Jerry Tulley** said their contract with the church was contingent upon receiving approval from the City.

**Paul Barker** asked if the developer was constructing any of the homes.

**Jerry Tulley** said they would build the majority of the homes in the Farmington Greens.

### **Motion**

**Kevin Poff** moved that the Planning Commission recommend that the City Council amend the final development plan for the Farmington Greens Planned Unit Development by providing a site for a future church building. **Keith Klundt** seconded the motion which passed by unanimous vote. **Paul Barker** abstained from voting and made mention that **Chairman Ritz** was strongly opposed to amending the development plan.

### **Findings**

- The developer addressed the Planning Commission's concerns from the last meeting.
- The church will be a benefit to the area.
- Lots were rearranged in a positive manner.

**PUBLIC HEARING: JR WARNER - APPLICANT IS REQUESTING A  
RECOMMENDATION TO AMEND THE CR ESTATES SUBDIVISION PLAT BY  
SUBDIVIDING LOT 2 (APPROXIMATELY 1.4 ACRES LOCATED AT 1744 WEST  
BURKE LANE) INTO 2 LOTS (S-32-05) (Agenda Item #5)**

### **Background Information**

The original CR Estates parcel also included the one-acre parcel now owned by Kyle Stowell adjacent to the west boundary of the subdivision. Altogether the original parcel was approximately four acres in size.

Mr. Warner received approval from the Planning Commission on May 13, 2004, for a lot split by meets and bounds creating a one-acre lot to the west (the Stowell property) and a three-acre parcel to the east. Mr. Warner contemplated submitting an application for three additional lots on the eastern parcel but chose not to do so.

Some time after this, the City issued a building permit for the Days on the three-acre parcel for a single-family home. Apparently the Days and Mr. Warner jointly owned the three-acre parcel, because in July of this year they submitted an application to split the parcel into two, 1.4 acre lots. This subdivision was recently approved by the City Council.

Now Mr. Warner wants to create an additional lot on the remaining property. However, both lots will be approximately 3/4 acre in size less than the one acre lot size required for a conventional subdivision. Nevertheless, for an in-fill parcel such as this, it is possible to receive a waiver of open space requirements pursuant to Chapter 12 of the Zoning Ordinance and receive approval for the smaller 3/4 acre lot size. Section 11-12-065 of the Zoning Ordinance states:

“Subject to the provisions set forth herein any provision of this Chapter may be waived by the City upon a vote of not less than four members of the City Council. Such waiver shall be granted only in limited circumstances and is deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this Chapter. Any waiver of the required minimum conservation land dedication shall require comparable compensation to off-site improvements, amenities, or other consideration of comparable size, quality and/or value.”

END OF PACKET MATERIAL

**David Petersen** displayed a Vicinity Map and an overhead of the proposed subdivision. He reviewed the “Background Information”. He said it will be difficult to place a home on the lot since Spring Creek canal travels through the property and there is an easement. In order to maximize the building area, they will need permission to access the driveway from a bridge. The applicant has requested a subdivision of Lot 2 and an open space waiver.

### **Public Hearing**

**Vice Chairman Roybal** opened the meeting to a public hearing and invited the applicant

to address the Commission.

**John Warner** (1286 South Via La Costa Way, Kaysville) said he did not previously apply for the subdivision because he did not want to delay the homeowner's closing.

**Jeff Day** (1754 West Burke Lane) said he lives on Lot 1. The homes in the area are set back 100 feet. The lot split would cause a future home to be set back further than the surrounding homes due to the property easement. It would have a negative impact on his privacy and his view. He built his home under the assumption that all of the lots would be 1.4 acres. Mr. Warner informed him that there would be adequate space for a home to be constructed near the front of the lot. He would not have a complaint if Mr. Warner's information were correct.

**Dennis Clark** said he owns the property with J.R. Warner. They are willing to do their best to accommodate the neighbors. He felt the lots were large enough for a home to be constructed without causing a negative impact to the existing homeowners.

**David Petersen** said a future home would be required to be set back at least 30 feet but there was not a restriction on how far back it could be built, so long as the City's fire code was met. The Fire Chief would require 20 feet of asphalt pavement, an area where a fire truck could be mobilized, and a fire hydrant. The side yard set backs are 10 feet and 14 feet which would make it difficult to construct a home on the front portion of the property.

**Kevin Poff** asked if the impact to the neighbor's privacy could be considered a legal issue.

**David Petersen** said the Planning Commission needed to determine if there would be material damage to the existing property owners. Since the subdivision was platted, the existing land owners have expectations as to how large the lots should be.

**Kevin Poff** asked if the grade of the road would impact the construction of a home.

**David Petersen** said the grade had not improved but would not hinder the construction of a home.

**Vice Chairman Roybal Roybal** said she would have been in favor of granting the lot split if there had not been opposing remarks given by the adjacent property owner.

**J.R. Warner** said he approached **Mr. Day** to obtain a driveway easement and he disclosed that the home would be placed at the rear of the property. He said the easement was not necessary since Farmington City will not allow an ingress or egress from an adjoining property.

**Public Hearing Closed**



With no further comments, **Vice Chairman Roybal** closed the public hearing. The Commission members discussed the issues, including the following points:

**Kevin Poff** asked if **Mr. Day** would still have concerns about the placement of the home if screening were provided.

**Mr. Day** said he would still have concerns if screening were provided. He said he told **Mr. Warner** he would grant an easement to access the lot, not to construct a house. He said his home has large picture windows that would look onto the neighbor's home if the lot split were approved.

**Paul Barker** read Section 11-12-065 of the Zoning Ordinance that was included in the "Background Information".

### **Motion**

**Keith Klundt** moved that the Planning Commission recommend that the CC deny the petition to amend the C.R. Estates Subdivision Plat by subdividing Lot 2 thereby creating an additional building lot. **Paul Barker** seconded the motion, which passed by unanimous vote.

### **Findings**

- The adjacent property owners will not suffer material damage.
- The applicant has sold other large lots in the subdivision so he should be able to sell Lot 2.

**PUBLIC HEARING: WOODSIDE HOMES - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND THE GENERAL PLAN REGARDING APPROXIMATELY 106.6431 ACRES OF PROPERTY LOCATED WEST OF I-15 AND 1525 WEST STREET, NORTH OF BURKE LANE, EAST OF THE OLD D.R.&G.W. RAILROAD RIGHT OF WAY, AND SOUTH OF SHEPARD LANE FROM RURAL RESIDENTIAL DENSITY AND CLASS A BUSINESS PARK TO LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL. APPLICANT IS ALSO REQUESTING A RECOMMENDATION FOR A ZONE CHANGE FROM A AND AE TO R-4 (PUD) AND LR ON THE SAME PROPERTY, AND A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A DEVELOPMENT RELATED THERETO (Z-8-05) (Agenda Item #6)**

### **Background Information**

The Planning Commission reviewed this information on October 13, 2005. After receiving public comment and thoroughly discussing the issues, the Planning Commission elected to table the agenda item to allow time for the developer to prepare a schematic plan

acceptable to the Commission. The applicant has prepared another schematic plan.

END OF PACKET MATERIAL

**David Petersen** displayed a concept plan. When the Planning Commission last reviewed the Woodside Homes proposal, they were opposed to the entire development being zoned R4 and were opposed to the high density along the UTA tracks. The City's Traffic Engineers feel the corridor would benefit the City.

The developer has altered their proposal and are now requesting to zone the property R4 and LR. **Mr. Petersen** displayed the Yield Plan which included 215 large residential lots. The R4 portion of the property would now have 503 lots rather than 556 lots.

**Mr. Petersen** said the City's Traffic Engineer recommended relocating the intersection further to the east which would take the major collector through the middle of the project. He reviewed the three traffic alternatives that were recommended by the City's Traffic Engineer. City Staff recommended alternative one or three.

**Mr. Petersen** said the City's Consultant in Denver recommended zoning the northern and southern portion of the property AE. He suggested using the middle portion of the property as a transition area with medium density residential. The Consultant estimated there would be

approximately 400 units. It is an awkward piece of property due to its shape, the pipeline, the stream and the wetlands. The Consultant reviewed the Yield Plan and recommended large residential rather than estates. The City's ordinance allows 9.68 dwelling units per acre. Woodside Homes calculated their density at 10.8 dwelling units per acre. Zoning the property R4 would decrease the number of units from 296 to 229.

He said Woodside Homes' proposal for the LR zone included building lots in the wetlands, in the pond and other unbuildable areas. It would decrease the number of lots from 207 to 189.

If the northern and southern portions of the property were zoned AE, there could be 362 units if 25-30% of the property were dedicated as open space. The LR zone only requires 10% open space due to the lower profit margin of multi-family projects. The developer would need to be allowed higher density in order to provide for the corridor, as well as be profitable.

If the Planning Commission is satisfied with the proposed lot sizes, he recommended creating a Planned Unit Development (PUD) that would allow sufficient density and a viable corridor.

### **Public Hearing**

**Vice Chairman Roybal** opened the meeting to a public hearing, and invited the applicant to address the Commission.

**Nate Pugsley** said he would prefer to speak and answer questions at the end of the public hearing.

**David Petersen** recommended that Woodside Homes provide attractive housing for the entire project. The developer told him they would be prepared to show pleasing home styles.

**Nate Pugsley** said they are only requesting density and zoning. They would address the architectural aspect during the preliminary plat phase. They would be willing to meet the City's appearance requirements. He said the flyover would be raised which would have a significant impact on the property. They chose the LR zoning based on the significant amount of open space required but they would be willing to accept Ae zoning. He felt their request was reasonable and customary.

**John Sheets** (1368 West Fairway Circle) summarized the points he made in a letter he submitted to the Planning Commission members. His main concern was how the traffic would impact Shepard Lane. The flyover would not be an issue for approximately 20 years but the traffic would have an immediate impact. The Shepard Lane traffic will be an ingress/egress unless the City insists on some type of Frontage Road.

**Randy Klein** (1713 Sweetwater Lane) said he is a representative for the Farmington Trails Committee and wanted to verify that a trail easement was included in the development, as shown on the Trails Master Plan.

**David Petersen** said the trail would be included and would travel along the corridor.

**Lane Sweat** (696 North 1875 West) said when west Farmington was annexed into the City, there was an understanding that there would only be two houses per acre. He was concerned that Shepard Lane could not handle the traffic impact that would be caused by the development. He felt west Farmington's unique character was being traded to developers. He did not recommend using Denver consultants to help make Farmington's planning decisions.

**Kyle Stowell** (1764 West Burke Lane) said the amount of lots included in the development had decreased but he was still not pleased with the size of the lots. He felt there should be larger lots along the rail road tracks to provide a buffer. He asked that Burke Lane be closed at the railroad tracks. He was also concerned about the negative traffic impact the development would cause.

**Paul Hayward** (1663 West 1410 North) passed out a letter he had written to the Planning Commission members that was supposed to be read at the previous public hearing. He read the letter which included seven conditions he felt should be required if the proposal were accepted.

He was concerned that the business park would be “carved up” for housing developments so the business park would not be viable. He said he would not be opposed to a high density development if it were done well.

**Don Clark** (1774 West Burke Lane) said he was concerned that a road did not exist at the northern end of the development. He was not opposed to the development but did not want it to create low-income housing.

**Bruce Richards** (1184 North 1500 West) said the developer is willing to accept AE zoning which would make the development consistent with west Farmington but in order to set aside the corridor, they are requiring a higher density. If the corridor were not provided for, a diamond interchange could possibly be created on Shepard Lane. He made the following points:

1. Shepard Lane can not handle increased traffic.
2. If the City agrees to provide for the corridor, it should be determined how the road and right of way will be addressed before approving new development.
3. West Farmington should continue to be developed as estates.

**Jerry Tulley** (261 East 300 South) said as a general rule, west Farmington should be zoned AE. Woodside Homes should be required to follow the same rules as the Proterra Company and The Boyer Company.

**Nate Pugsley** said developers should be required to follow the rules but the proposed flyover had changed their development. He said they are willing to work with the City and Rich Haws to connect Burke Lane with Park Lane. They would be willing to pay for the road in the first phase and be reimbursed at a later time. He said they were willing to consider different housing types for the R4 zone. They need a zoning commitment from the City because their interest charges are approximately \$80,000 per month. If the zoning change is not approved, they will continue to develop as AE. He said the development's configuration was due to the gas line that was located on the property.

#### **Public Hearing Closed**

With no further comments, **Vice Chairman Roybal** closed the public hearing. The Commission members discussed the issues, including the following points:

**David Petersen** addressed the concerns expressed during the public hearing. He said Farmington Greens and Farmington Ranches dedicated at least 30% open space. The Yield Plan begins with ½ acre lots but the size is decreased due to the bonuses, etc.

**Mr. Petersen** said Woodside Homes is committed to making the Park Lane interchange function from the north, but they are only willing to sell to UDOT if they are allowed higher density. If the corridor is not provided, UDOT could force a diamond interchange on Shepard



Lane in the future. He said the Yield Plan for LR zoning starts at 10,000 square feet. The Yield Plan for AE zoning starts at ½ acre lots. He said Paul Hirst's neighborhood is R2 but it is a private subdivision that now requires 10,000 square foot lots. The wide roads are more costly to maintain and do not provide traffic calming.

**David Petersen** said if the Woodside Homes development were zoned AE, the City would still get a corridor but would not get the Legacy North connection. A representative of the Wasatch Front Regional Council said UDOT would only pay the appraised value for land. UDOT could not compensate for the decreased home values of the surrounding properties. Mr. Petersen felt the State legislators should address the issue to prevent small cities from having to address regional needs.

**Kevin Poff** felt high density would be appropriate for the area since it would be on a busy, commercial roadway.

**Keith Klundt** said larger homes could abut high traffic areas if they were well planned and designed. He felt Woodside Homes' density proposal was too high.

**Jim Talbot** said he was concerned that the alignment of the proposed road had not been determined.

**Vice Chairman Roybal** said if the developer is funding the road, it should accommodate the development.

**Jim Talbot** said he understands that all parties involved are frustrated but feels the road issues should be resolved prior to making a decision.

**Vice Chairman Roybal** said it was unclear whether Farmington residents want to provide for the corridor.

**Gary Anderson** said his property backs the property. He would prefer providing for a corridor rather than taking the risk that there would be a diamond interchange behind his property.

**Jim Talbot** said he would consider a zone change if the City committed to resolving the road issues.

**David Petersen** said the City needed to determine the road alignment and the impact it would have on adjacent property owners. The issues could be resolved in approximately two weeks.

**Paul Barker** asked if 350 East could be considered a possibility.

**Nate Pugsley** said 350 East is a Kaysville road. Two D.R.W.G. crossings would likely be closed to provide for the corridor.

**David Petersen** said Kaysville City asked Farmington City to allow the road to “T” since if a cul-de-sac were created, the entire property would be served by one street.

### **Motion**

**Keith Klundt** moved that the Planning Commission recommend that the City Council amend the General Plan for property located west of I-15 and 1525 West Street north of Burke Lane and east of the old Denver Rio Grande western right-of-way and south of Shepard Lane from Rural Residential density and Class A Business Park to Low Density Residential and Medium Density Residential. The Planning Commission also recommended that the City Council grant a zone change from “A” and “AE” to “R-4 (PUD)” and “LR” on the same property. The recommendation is subject to the applicant providing the city an acceptable Schematic Plan within 6 months or the zone change will revert to AE.

**David Petersen** said the applicant had not requested the PUD zoning, although the zoning would be necessary to configure the town homes the way the applicant proposed. He said the PUD suffix would not be attached to the zoning until after preliminary development plan. He said the proposed motion would split the zoning. Zoning the property R-4 PUD could also be

considered. He said the proposed motion was acceptable since the PUD suffix could not be added until preliminary development plan.

**Vice Chairman Roybal** said the road connecting to Park Lane should not be the developer's burden since they do not own the property.

**David Petersen** said the condition would be used to protect the City. In order for the zoning to take effect, the road would need to go through to provide a safe exit from the development. He said developers build the roads and the City maintains them.

**David Petersen** said if the Planning Commission intended to grant R-4 zoning, it should be subject to the developer providing a major collector to Park Lane. The City would assist with the process since certain property would need to be purchased. The City has a Capital Facilities Plan, but the Impact Fees from the development would be needed.

**Nate Pugsley** said Woodside Homes was committed to providing the road to the north. The RDA committed to fund a portion of the road. Woodside Homes had also applied for a State grant.

**Keith Klundt** withdrew his previous motion.

**David Petersen** said he preferred to grant R4 zoning at preliminary development plan. The item would need to be tabled until an acceptable Schematic Plan was received.

**Jim Talbot** asked the developer if they would be willing to proceed if they had a commitment from the Planning Commission that the City would resolve the road issues.

**Nate Pugsley** said the ordinance did not require a schematic plan. He asked for the item to be approved “as is” since they had already submitted numerous changes that were requested by the City.

**Jim Talbot** said the developer should be responsible for their property and the City should be responsible to resolve certain issues.

### **Motion**

**Keith Klundt** moved that the Planning Commission recommend that the City Council amend the General Plan for property located west of I-15 and 1525 West Street north of Burke Lane and east of the old Denver Rio Grande western right-of-way and south of Shepard Lane from Rural Residential density and Class A Business Park to Low Density Residential and Medium Density Residential. The Planning Commission also recommended that the City Council grant a zone change from “A” and “AE” to “R-4 (PUD)” and “LR” on the same

property. The recommendation is subject to the applicant providing the city an acceptable Schematic Plan within 6 months or the zone change will revert to AE. **Kevin Poff** seconded the motion, which passed by unanimous vote.

### **Findings**

- Woodside Homes is willing to facilitate the goal of the Master Transportation Plan.
- In spite of the North Legacy flyover, the developer will be able to get fair value for their property.
- The development and connecting roads will contribute to west Farmington and will relieve the traffic impact of Shepard Lane.
- The reverter clause will protect west Farmington if an acceptable development is not approved.
- The City will be obligated to perform its due diligence for the developer and the citizens of the area.

**Jim Talbot** recommended that the developer meet with the surrounding property owners after the Schematic Plan and road alignment have been determined.

The Planning Commission agreed the next meeting to consider the Woodside Homes

development should be a public hearing.

[The Planning Commission recessed at 10:18 P.M. and reconvened at 10:23 P.M.]

**Motion**

**Jim Talbot** moved that the Planning Commission continue the meeting past 10:00 P.M.

**Keith Klundt** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: PACIFIC AVENUE LLC, SYMPHONY DEVELOPMENT -  
APPLICANT IS REQUESTING A DEVELOPMENT IN CONJUNCTION WITH THE  
PROPOSED ANNEXATION OF 16.29 ACRES OF PROPERTY LOCATED BETWEEN  
200 EAST AND THE FRONTAGE ROAD, SOUTH OF 1470 SOUTH (A-3-05) (Agenda  
Item #7)**

**Background Information**

The property is located within the expansion area of Farmington City and should be annexed.

The General Plan states that the designation of “very low density residential should be

applied to all land below an elevation of 4,218 above sea level". The minimum lot size for subdivision yield plan purposes for land designated "very low density" is five acres or larger.

The old Bamberger right of way traverses through the center of the property. Land west of this old right of way is below the elevation of 4,218 feet above sea level. Meanwhile, some of the property east of the Bamberger right of way is above 4,218 feet and some of the property is below 4,218 feet above sea level. Where should this line be drawn? This issue must be resolved before an adequate schematic plan can be reviewed and approved by the City.

Furthermore, the developer has informed the City that wetlands exist east of the old Bamberger right of way which may or may not be jurisdictional wetlands for the U.S. Army Corps of Engineers. This will become evident as the property is drained consistent with the rules and regulations of the Corps. In the meantime, a great deal of the lots within the project as shown on the schematic plan are now inundated by wetlands.

END OF PACKET MATERIAL

**David Petersen** displayed a Vicinity Map and a Schematic Plan. He said the property is 16 acres and should be annexed. The City's General Plan states that any property below the 4,218 line needs to be zoned AA. He asked if the developer should be allowed to add fill to the property since it is approximately 1 ½ feet below the 4,218 line.



### **Public Hearing**

**Vice Chairman Roybal** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Tony Coombes** (Symphony Development) displayed a County map that outlined the 4,218 line and the wetlands. He said the parcel is the only ground east of the freeway that is affected by the 4,218 line. It was suggested that a spring on the property was stopped at the Bamberger right of way which could have caused the wetlands and the area to sink. They are working with the Army Corp of Engineers to resolve the wetlands issues. The drainage issues would be handled by both Symphony Homes and Rainey Homes.

**Randy Klein** (1713 Sweetwater Lane) said the development should include the trail that is shown on the City's Trails Master Plan.

**David Petersen** said the developer was aware of the trail requirements.

### **Public Hearing Closed**

With no further comments, **Vice Chairman Roybal** closed the public hearing. The Commission members discussed the issues, including the following points:

**Vice Chairman Roybal** asked if the homes would have basements.

**Tony Coombes** said basements would be permitted if the wetlands were removed from the property and if it were approved by the Engineer. They have done several developments throughout the Salt Lake Valley that have required fill.

**David Petersen** said he was concerned that granting Symphony Homes' request would set a precedent since there were certain parcels that should not be buildable. The applicant recommended that the "fill waiver" be confined to properties east of the freeway.

**Kevin Poff** asked if the zoning text could be altered to allow for fill in east Farmington.

**David Petersen** said the City's General Plan is a policy document so it is based on interpretation.

**Jim Talbot** said he would like to review a contour map that included more detail.

**Tony Coombes** showed the Planning Commission the location of the property's lowest point on the map and said he could provide a more detailed contour map.

**David Petersen** said there were no other properties in east Farmington that were below

the 4,218 line. He agreed that a more detailed contour map would be helpful. He said the area below the 4,218 line was expansive but was shallow.

### **Motion**

**Jim Talbot** moved the Planning Commission table consideration of this agenda item until the issue regarding the location of the 4,218 line is resolved and a detailed contour map is provided to the Planning Commission. They instructed City Staff to review the possibility of limiting the 4218 line exception to a single piece of property. **Kevin Poff** seconded the motion, which passed by unanimous vote.

### **CITY COUNCIL REPORT**

**David Petersen** reported the proceedings of the City Council meeting which was held on October 19, 2005. He covered the following items:

- The City Council denied the appeal of the Planning Commission's decision granting conditional use and site plan approval to construct an attached garage event with the front of a proposed single family dwelling at 37 North 200 West in the OTR zone.
- The City Council granted Schematic Plan approval for the Village at Old Farm.

- The City Council adopted the Ordinance amending the TOD text (Chapter 18 of Zoning Ordinance).

### **DAVIS COUNTY HOUSING AUTHORITY REQUEST (Agenda Item #8)**

#### **Background Information**

A letter was received from Clark McCullough of the Davis County Housing Authority, which stated the following: “We would like to discuss the feasibility of a text amendment to Chapter 14, “Business Park” zoning ordinance to include a sub-paragraph addressing “Accessory Building and Structures” similar in design to some requirements as listed Chapter 11, 11-11-060, of the code. Currently under the “Conditional Use” section of Chapter 14, provisions are listed for “storage/warehousing, as an accessory use, as necessary to maintain a principal use”. We are having difficulties with sight design for a needed storage structure as no section in Chapter 14 of the code specifically addresses these types of structures, with leniencies given to structure locations usual for supportive structures to the main building.”

END OF PACKET MATERIAL.

**David Petersen** reviewed the request of the Davis County Housing Authority. He said they have ample room to construct a storage facility but are limited due to the requirement to be

set back 20 feet from an accessory building. He asked if the Planning Commission would be willing to alter the zone text to allow a decreased setback for an accessory building.

**Jim Talbot** asked if there were any other locations where the storage structure could be located.

**David Petersen** said the Housing Authority had researched all of the possible locations for a storage facility. He said he was willing to do a zone text change since the Housing Authority did not have a time constraint. He felt the 20' setback requirement was excessive.

**Clark McCullough** said the Housing Authority wanted to construct a storage facility and a covered parking space to protect the Housing Authority's vehicles.

**David Petersen** said the covered parking would be considered a structure since it had a roof.

**Scott Harbertson** compared the covered parking issue to the City Council's Village at Old Farm discussion where an awning could be considered square footage.

The Planning Commission members were not in favor of amending the zoning text.

**Kevin Poff** asked if the storage structure could be attached to the north end of the main building and if the parking could be reconfigured.

**Clark McCullough** said the grading would make it difficult and unsightly.

**David Petersen** said a five foot setback for a storage structure seemed more appropriate. He said he could create a table which would outline the setbacks required in other cities.

**Jim Talbot** felt the setback should be greater than five feet. He suggested that the text specify how the accessory should be constructed.

The Planning Commission authorized **Mr. Petersen** to pursue the issue further by researching the setbacks requirements of other cities.

### **MISCELLANEOUS**

**David Petersen** informed the Planning Commission members that Garbett Homes was proposing a church site.

The Planning Commission members stated that they wanted the area to be commercial so property tax and sales tax would be generated.

**Vice Chairman Roybal** said she attended a meeting with Garbett Homes to discuss the possible church site. It was determined that there was a greater need for a stake center. Garbett Homes donated the land adjacent to the Maverik convenience store but the Church could not use it due to the alcohol sold by Maverik. **David Hale** suggested that Garbett Homes purchase and donate the property owned by Dick Prowse, but the land is costly and is not owned by Garbett Homes. She said the area owned by the credit union would not likely have a commercial use since most commercial developers were not interested in the NMU area. She said there is a need for a stake center in the area and asked for the Planning Commission's consideration.

**Jim Talbot** said Garbett Homes would receive value for the property donation but they had not reduced the amount of residential in their development.

**Vice Chairman Roybal** said Garbett Homes planned to increase the density in their development. Paul Hirst said he had recommendations on how the church traffic could be handled.

**Jim Talbot** was concerned that the church traffic would not be able to turn left. There would only be one road that could exit the site. He felt the stake center should be located across the street where there would be better traffic flow.

**Kevin Poff** was not opposed to constructing a stake center on the credit union property.

**ADJOURNMENT**

**Keith Klundt** moved that the Planning Commission adjourn at 11:15 P.M.

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*Cory Ritz, Chairman*

*Farmington City Planning Commission*